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SIPDIS

DEPT FOR T, VC AND EUR/PRA
DOE FOR NNSA/NA-24
CIA FOR WINPAC
JCS FOR J5/DDGSA
SECDEF FOR OSD(P)/STRATCAP
NAVY FOR CNO-N5JA AND DIRSSP
AIRFORCE FOR HQ USAF/ASX AND ASXP
DTRA FOR OP-OS OP-OSA AND DIRECTOR
NSC FOR LOOK
DIA FOR LEA

E.O. 12958: DECL: 10/02/2019
TAGS: [KACT](#) [MARR](#) [PARM](#) [PREL](#) [RS](#) [US](#) [START](#)
SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA (SFO-GVA-V):
(U) THIRD MEETING OF THE INSPECTION PROTOCOL WORKING GROUP,
SEPTEMBER 25, 2009

REF: A. GENEVA 0810 (SFO-GVA-V-019)
[1](#)B. STATE 91093-91284-91291-91106-91134-91143-91151
(U.S.-PROPOSED INSPECTION PROTOCOL)

Classified By: A/S Rose E. Gottemoeller, United States
START Negotiator. Reasons: 1.4(b) and (d).

[1](#)1. (U) This is SFO-GVA-V-017.

[1](#)2. (U) Meeting Date: September 25, 2009
Time: 3:00 - 6:00 P.M.
Place: Russian Mission, Geneva

SUMMARY

[1](#)3. (S) The third meeting of the Inspection Protocol Working Group (IPWG) was held at the Russian Mission on September 25, 2009, to continue discussion of the similarities and differences between the U.S. and Russian approaches under the Inspection Protocol (IP). The Russian Delegation conveyed its vision of the inspection activities presented in the Russian-proposed draft of Section V of the Treaty Annex, which addresses "Inspections, Visits and Exhibitions" (REF A). The U.S. Delegation provided the Russian Delegation a U.S.-proposed Joint Draft Text (JDT) for Sections I and II of the IP, which incorporated appropriate provisions from Section V of the Russian-proposed Treaty Annex. Several similarities between the draft versions were identified and discussed, with a few agreements reached where the two Party's texts had originally differed. Both sides agreed to

study the two proposals, as well as the U.S.-proposed merged JDT, to determine whether additional text could be agreed and whether some details could be relocated elsewhere, such as into a "third level" document below the level of the U.S.-proposed IP and the Russian-proposed Annex.

COMPARING U.S. AND
RUSSIAN DRAFT TEXTS

14. (S) Colonel Ilin opened the meeting by stating that the purpose of the day's meeting was to work through the first two sections of the Russian-proposed Section V of the Treaty Annex that discusses "Inspections, Visits and Exhibitions" and the U.S.-proposed IP, both of which address "General Obligations" and "Provisions Concerning the Legal Status of Inspectors, (Monitors for the United States), and Aircrew Members." Ilin referred to a Russian side-by-side comparison document that analyzed and compared the proposed Russian text with the U.S.-proposed text. This document had been sent to the U.S. Mission the previous day, and handouts were given to the U.S. delegates at this meeting.

15. (S) Dr. Warner provided a U.S. informal JDT, both in English and in an un-official Russian translation that merged the first two sections of the U.S.- and Russian-proposed drafts. In addition to the differences between the sides being reflected in footnoted brackets, the U.S. JDT was color-coded with plain text reflecting original U.S.-proposed text, magenta indicating agreed text, green for

Russian-proposed text, and yellow for text that the U.S. proposed and believed was important to keep, but could be moved into a "third level" document, which the U.S. proposed to call an "annex." The U.S. idea was to have a similar structure as exists under START, where the concepts in the treaty text drove what was in the IP which, in turn, drove what was in the various annexes to the IP.

16. (S) Warner handed over to the Russian Delegation the U.S.-proposed JDT in two additional documents; one with the yellow text removed from the overall joint draft document, and the second representing the "third level"/annex document that was created by pulling together the "yellow" text that had been removed from the JDT. Warner explained that, in creating the JDT, the United States believed it was important to work from the U.S.-proposed draft text rather than the Russian draft, because the U.S. version included a substantial amount of text that was missing from the Russian version.

17. (S) Ilin thanked Warner for the documents, which increased the visibility of each side's approach through the highlighted text. Ilin commented that, by looking at the JDT, he could see that the U.S. Delegation kept pushing for a more extensive document, but promised that the Russian Delegation would study the JDT to see if it was acceptable. He noted that the day's work would be easier for the U.S. Delegation than it would be for the Russian Delegation, since the U.S. had been handed the Russian document the previous day and the Russian Delegation had just received the U.S. documents.

18. (S) Warner pointed out that, in Section I of both texts concerning General Obligations, the United States and Russia agreed on everything except the inclusion of continuous monitoring in START Follow-on (SFO). Warner then proposed to move forward to Section II leaving the reference to continuous monitoring as bracketed U.S.-proposed text until a decision was made at higher levels regarding resolution of the issue on continuous monitoring of mobile ICBM production within SFO.

A QUESTION OF CONCEPTION

¶9. (S) Ilin stated that the Russian proposal for the new treaty was one that only has two levels; the Treaty Articles and an Annex, and asked whether it was the intent of the United States to have all three levels, treaty articles, protocols, and annexes, all subject to national ratification.

Mr. Brown stated that, in START, documents at all three levels were concluded prior to the end of negotiations and all were submitted to the U.S. Senate for ratification. He noted as well that some annexes--third level documents--were added later by agreement between the sides, which was reached through negotiations within the Joint Compliance and Implementation Commission (JCIC) and, thus, these additional annexes were not ratified by either side. In fact, portions of both the second/protocol and third/annex levels were changed by subsequent agreements concluded within the JCIC during the course of START implementation well after ratification by both sides.

¶10. (S) Warner noted that the U.S. position was to take advantage of the agreed procedural details regarding inspections that were already contained in START's IP and various IP Annexes. These procedures have been used in practice over the past 15 years of successful START implementation, and the United States did not want to discard that experience by renegotiating these procedures from scratch via the Bilateral Consultative Commission (BCC) as called for in the Russian draft IP. Ilin countered that the Russian side believed new processes should be developed and that was why the Russians proposed deferring the negotiation of specific inspection procedures to the BCC after ratification was complete. In the Russian vision, the BCC would certainly take into account the insights gained from inspections from the START experience.

¶11. (S) Warner reiterated his concern that he did not believe the U.S. Senate would ratify a treaty that provided for inspections without actually describing critical inspection procedures in documents subject to ratification. Warner also added that if the procedures had been worked out and agreed to in the past, why would the Russians want to back away from them now? Since these procedures had worked well or been adapted via the JCIC, the United States wanted to maintain them.

A QUESTION OF LEGALITY

¶12. (S) Ilin asked whether an annex, or third level document, could be a non-legally-binding document. Warner answered that he believed that was not possible, but it would require further study. Brown asked Ilin whether he meant that this material would not be a part of the treaty or whether it might only represent a political commitment. Ilin said he could not answer such a legal question, but his personal view was that, in START, procedural decisions were made in the JCIC, so such decisions also could be made under SFO by the comparable BCC.

¶13. (S) Warner again reiterated that, in his view, the U.S. President could not present a treaty to the Senate for ratification that did not contain the key details of the verification procedures needed to verify compliance with that treaty. Ilin countered that the Russian Delegation's direction from Moscow was not to create a new treaty that was a copy of START in either size or content. Warner then proposed to agree on the fact that the new treaty would have a third level document where the more detailed processes could be moved and, by doing so, the sides could jointly draft a new, stream-lined IP that would be closer to the size of the proposed Russian draft of the IP contained in Section V of its Annex.

CALL 'EM LIKE YOU SEE 'EM

¶14. (S) Warner moved the discussion to the actual names for the various types of inspections, pointing out that both sides had agreed to exhibitions. He reiterated the U.S.

desire not to use the word "visit" in the new treaty. The word "visit" implied a less rigorous activity and would be perceived negatively in the United States. Contrary to the Russian approach that characterizes inspections as tougher, more "strict," and rigorous than "visits," which are inspection activities focused on non-deployed strategic offensive arms, Warner asserted that, in the U.S. view, both what the Russians label as "inspections" and "visits" should have the same degree of rigor, accuracy in confirming declared data and importance.

¶15. (S) Ilin suggested the possibility of changing the name of "visit" to "inspection-visit"; a term proposed by Colonel Ryzhkov. That would raise its status; it had a verification purpose of confirming the data contained in the Memorandum of Understanding, but it would continue to be different than an inspection. Warner stressed the U.S. preference not to use the term "visit" and noted that describing certain inspection activities as "softer" or less strict than others did not appear supportable. He stated that this misunderstanding could be a matter of translation, but the United States wanted to have the names of the inspections reflect the actual type of inspection being undertaken. For example, for inspections focused on confirming data regarding deployed Strategic Offensive Arms (SOAs), a proposed name could be a "Deployed SOA and Warhead Inspection," which would include inspections of deployed ICBMs and their associated launchers, deployed SLBMs and their associated launchers, and deployed heavy bombers as well as the warheads/armaments deployed on these systems. The term "visit" could be changed to "Non-Deployed SOA Inspection-Visits". The non-deployed inspection-visits would not involve inspection activity that was any less rigorous than that involved in an inspection of the deployed SOA.

¶16. (S) Ilin asked whether these new terms would be added to the definitions section. Warner replied they would. Ilin asked whether a "Deployed SOA and Warhead Inspection" would include delivery vehicles, warheads, missiles, and bombers. Warner replied they would, but the details could be worked out later. Ilin explained that it was important that agreement was reached that identified which inspection activities were to be focused on deployed SOA and which were focused on non-deployed systems. Warner stated that was the whole reason for suggesting the more detailed names for the inspections and visits. Ilin said that the Russians would discuss this among themselves and get back to the U.S. Delegation.

THE DEVIL IS IN THE DETAILS

¶17. (S) Ilin asked whether the U.S. proposal included the possible use of commercial aircraft and Open Skies aircraft with regard to the types of aircraft that the inspecting Party could use for transportation of inspection teams to the point of entry (POE). Warner stated that the use of commercial aircraft was acceptable and the U.S. Delegation would add it to Section II, but that the U.S. side would have to study the possible use of Open Skies aircraft for this purpose and then get back to the Russians on this matter. For the time being, use of Open Skies aircraft to transport

inspection teams would be included in the text, but bracketed as a Russian proposal. Warner asked Ilin where he believed the identification of aircraft used for this purpose should be located, and Ilin responded within the text of the second level material, that is the protocol/Russian Section V.

¶18. (S) Warner asked the Russian side why it had decreased the maximum number of inspectors on the inspector list from 400 to 200. Ilin stated that, since the number of inspections conducted annually had been reduced substantially in the proposed Russian draft IP, they had lowered the proposed number of inspectors on the list accordingly. Ilin asked why the United States had not lowered the number of inspectors on the list at all. Warner responded that the U.S. side proposed to lower the annual quota for certain types of inspections but had raised others, consequently, it has maintained about the same number of annual inspections and, therefore, saw no reason to lower the number of inspectors on the inspector list. Ilin countered that the number of Russian inspectable facilities had dropped since START negotiations, so why not lower the number of inspectors on the treaty list for SFO? Warner said the United States would consider that point, but noted that the number of inspections was not directly related to the number of inspectors on the list and the United States wanted to maintain flexibility with regard to the inspector list.

¶19. (S) Ilin added that the number of inspectors on the list was also a matter of cost to the Russians. Russia could not afford to keep large numbers of inspectors who would be idle most of the time. Russia also did not understand why the United States wanted to update the list of inspectors every 21 days as opposed to the Russian proposal to revise the list once every three months. It would mean that the inspector pool would turn over completely twice a year. Warner stated that once again the United States wanted to maintain flexibility in the list and preferred the 21-day update approach.

FINDING SOME COMMON GROUND

¶20. (S) During the discussion of the IP text, both sides agreed that the number of individuals on the aircrew list would be determined at the discretion of each Party, and that the number of aircrew allowed on an inspection airplane during each inspection would not exceed ten. Additionally, Warner asked about the provisions for inspector visas, which the Russians had not addressed. Ilin explained that this matter was covered in the Russian-proposed Section on Notifications contained in Section IV of the Annex, but that it could be moved back into Section V on Inspections, if the U.S. side desired this shift.

¶21. (S) Warner pointed out that, under START, a proposed inspector for the treaty list could be rejected by the other side only for his having committed a criminal act, but for aircrew and monitors, individuals could be rejected without any reason being identified. Under the Russian proposal, the START reason for rejection due to criminal activity had been dropped for inspectors, making the rejection of both inspectors and aircrew totally subjective. Warner questioned

the Russians' reason for this change. Ilin commented that it often happened that Russians were refused a U.S. visa for no reason. He later backtracked that he had no specific complaint, but Russia was simply protecting its own interests. There was no reason to accord someone a special status before that person had even become an inspector. He concluded by agreeing to move these details to the third level document, and stating that the Russian legal advisor would explain Russia's rationale during a subsequent session of the IPWG.

¶22. (S) Following a brief discussion among the U.S. Delegation, Warner suggested to Ilin that Russia's proposed reduction in the number of inspectors for an exhibition from 20 to 10 was acceptable to the United States. Warner pointed out that the Russians had dropped the number of inspectors on an inspection team from 10 to 9 for an inspection and from 10 to 7 for a visit. It was the U.S. view that the level of effort during an inspection and during a visit would be

roughly the same as we had experienced under START, and it was better to have an even number of inspectors to simplify the process of setting up subgroups that could be used to simultaneously inspect large facilities. Ilin replied that, since the number of inspectable sites was going to go down under SFO, the number of inspectors per team could drop as well. Warner countered that the logic did not follow and reiterated that the level of effort at each inspection site was not likely to be reduced from what it was under START. Ryzhkov added that the Russian site diagrams would be shrinking and, therefore, the number of inspectors needed to conduct an inspection should also drop. Warner stated that the United States would not agree to redrawing boundaries on a site diagram to create a smaller inspection site simply to meet the reduced capabilities of smaller inspection teams.

¶23. (S) Warner suggested that both sides agree to ten inspectors for inspections of both deployed and non-deployed items. Ilin suggested that, for the time being, the sides agree to disagree on the number of inspectors per inspection and visit team. Ilin closed by suggesting that the United States review the Russian Notification portion of the Annex, Section IV, to see if anything else should be brought back into Subsection II of the Inspections Section.

¶24. (U) Documents exchanged.

- U.S.:

-- Proposed merged Draft of Inspection Protocol Sections I and II.

- Russia:

-- Russian side-by-side analysis of proposed Russian Draft of Annex Section V and the corresponding U.S. draft sections.

¶25. (U) Participants:

U.S.

Dr. Warner
Ms. Bosco

Mr. Brown
Mr. Buttrick
Mr. DeNinno
Mr. Fortier
Maj Johnson
Mrs. Pura
Ms. Purcell
Mr. Rust
Mr. Smith
Ms. Gesse (Int)

RUSSIA

Col Ilin
Mr. Leontiev
Col Novikov
Gen Orlov
Mr. Pischulov
Gen Poznihir
Col Ryzhkov
Mr. Vorontsov
Mr. Zaytsev
Ms. Komshilova (Int)

¶26. (U) Gottemoeller sends.
GRIFFITHS